

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR 15-0234 CRB & CR 16-0225 CRB
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	PRELIMINARY ORDER OF
v.)	FORFEITURE
)	
DAVID MILLER and MINNESOTA)	
INDEPENDENT COOPERATIVE,)	
)	
Defendants.)	

The United States, by and through the undersigned Assistant United States Attorney, and counsel for David Miller and Minnesota Independent Cooperative, submit this stipulation and order concerning the forfeiture of specific assets. The parties agree that, at sentencing, the Court should order that defendant Miller's and defendant Minnesota Independent Cooperative's respective interests in the following specific property be forfeited. The parties further agree that any forfeiture of these assets should be stayed pending any appeal of this matter to the Ninth Circuit Court of Appeals, should such an appeal be made. The parties specifically agree that, in light of the verdict returned by the jury following trial in the above-caption matters, the following property should be forfeited to the United States pursuant to Title 18, United States Code, Section 1963; Title 18, United States Code, Section 982; Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and the procedures outlined in Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21, United States

Code, Section 853:

- a. \$3,017,888.30 seized from Bank of Manhattan account no. 208948807 on or about February 24, 2015;
- b. \$7,983,151.78 seized from Bank of Manhattan account no. 285126789 on or about February 24, 2015;
- c. \$1,926,579.42 seized from Associated Bank account no. 2283283550 on or about February 25, 2015;
- d. \$340,645.48 seized from Merchant's Bank account no. 70050342 on or about February 27, 2015;
- e. \$716,539.66 seized from Citibank account no. 205851595 on or about March 12, 2015;
- f. \$4,934,463.32 seized from Comerica account no. 1894966892 on or about March 4, 2015;
- g. \$1,241,680.82 seized from Comerica account no. 1894966884 on or about March 4, 2015;
- h. \$451,741.61 seized from Banco Santander account no. 3004892983 on or about March 5, 2015;
- i. \$1,204,581.62 seized from Banc of California account no. 4010001602 on or about July 13, 2015;
- j. \$1,000,000.00 seized from Banc of California account no. 4010001602 on or about June 3, 2015;
- k. \$1,649,169.00 seized from Bryn Mawr Trust Company account no. 2477497 on or about August 13, 2015;
- l. \$569,169.00 seized from Bryn Mawr Trust Company account no. 3040001164 on or about August 13, 2015;
- m. \$2,193,413.72 seized from Merchant's Bank account no. 70050376 on or about August 10, 2015;
- n. \$1,537,311.21 seized from Merchant's Bank account no. 70082632 on or about August 10, 2015;
- o. \$619,336.46 seized from City National Bank account ending in 9306 on or about August 10, 2015;
- p. \$1,072.95 seized from Comerica Bank account no. 894914843 on or about May 16, 2015;
- q. \$21.69 seized from Bank of the West account no. 31817338 on or about May 6, 2015;
- r. \$3,037.35 seized from Wells Fargo Bank account no. 3598313660 on or about May 6, 2015;
- s. \$632.24 seized from Wells Fargo Bank account no. 9475901394 on or about May 6, 2015;
- t. \$5,185.74 seized from Wells Fargo Bank account ending in 6926 on or about May 6, 2015;
- u. \$2,800,000.00 seized from City National Bank account no. 555286767 on or about January 13, 2016;
- v. all drugs and medication seized from or purchased by me, including, but not limited to, two bottles of Gleevec provided to a UC on January 8, 2015; eleven boxes of prescription drugs provided to law enforcement on January 20, 2015; thirteen boxes of prescription drugs seized during UPS shipment search warrant on March 24, 2015 in Eagan, MN; thirty-seven boxes of

STIPULATION AND ~~PROPOSED~~ ORDER OF FORFEITURE

1 prescription drugs provided to a UC on May 4, 2015; and all drugs and medication obtained from
2 my residence (9000 Vanalden Ave., Unit 154, Northridge, CA) and my business (12061
Strathern Street, North Hollywood, CA) on May 6, 2015;

- 3 w. \$131,205 seized from Wells Fargo Bank account number 8717407913 on or about October 16,
2014;
4
5 x. \$111,387.11 seized from Wells Fargo Bank account number 1784060376 on or about October
16, 2014; and
6
7 y. Any and all Real Property and Improvements located at 213 34th Street, Newport Beach,
California, associated with APN 423-351-18.
8

Respectfully submitted,

PATRICK D. ROBBINS
Attorney for the United States

13 Dated: October 10, 2023

/s/
CHRIS KALTSAS
Assistant United States Attorney

17 Dated: October 10, 2023

/s/
JOHN CLINE
Counsel for David Miller

21 Dated: October 10, 2023

/s/
K.C. MAXWELL
Counsel for Minnesota Independent
Cooperative

~~PROPOSED~~ ORDER OF FORFEITURE

Having considered the stipulation concerning forfeiture filed by the United States, and the guilty verdicts rendered by the jury as to defendants David Miller and Minnesota Independent Cooperative on January 25, 2023, and good cause appearing,

IT IS HEREBY ORDERED that the following property is forfeited to the United States pursuant to Title 18, United States Code, Section 1963; Title 18, United States Code, Section 982; Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and the procedures outlined in Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21, United States Code, Section 853:

- a. \$3,017,888.30 seized from Bank of Manhattan account no. 208948807 on or about February 24, 2015;
- b. \$7,983,151.78 seized from Bank of Manhattan account no. 285126789 on or about February 24, 2015;
- c. \$1,926,579.42 seized from Associated Bank account no. 2283283550 on or about February 25, 2015;
- d. \$340,645.48 seized from Merchant's Bank account no. 70050342 on or about February 27, 2015;
- e. \$716,539.66 seized from Citibank account no. 205851595 on or about March 12, 2015;
- f. \$4,934,463.32 seized from Comerica account no. 1894966892 on or about March 4, 2015;
- g. \$1,241,680.82 seized from Comerica account no. 1894966884 on or about March 4, 2015;
- h. \$451,741.61 seized from Banco Santander account no. 3004892983 on or about March 5, 2015;
- i. \$1,204,581.62 seized from Banc of California account no. 4010001602 on or about July 13, 2015;
- j. \$1,000,000.00 seized from Banc of California account no. 4010001602 on or about June 3, 2015;
- k. \$1,649,169.00 seized from Bryn Mawr Trust Company account no. 2477497 on or about August 13, 2015;
- l. \$569,169.00 seized from Bryn Mawr Trust Company account no. 3040001164 on or about August 13, 2015;
- m. \$2,193,413.72 seized from Merchant's Bank account no. 70050376 on or about August 10, 2015;
- n. \$1,537,311.21 seized from Merchant's Bank account no. 70082632 on or about August 10, 2015;
- o. \$619,336.46 seized from City National Bank account ending in 9306 on or about August 10, 2015;
- p. \$1,072.95 seized from Comerica Bank account no. 894914843 on or about May 16, 2015;

STIPULATION AND ~~PROPOSED~~ ORDER OF FORFEITURE

- q. \$21.69 seized from Bank of the West account no. 31817338 on or about May 6, 2015;
- r. \$3,037.35 seized from Wells Fargo Bank account no. 3598313660 on or about May 6, 2015;
- s. \$632.24 seized from Wells Fargo Bank account no. 9475901394 on or about May 6, 2015;
- t. \$5,185.74 seized from Wells Fargo Bank account ending in 6926 on or about May 6, 2015;
- u. \$2,800,000.00 seized from City National Bank account no. 555286767 on or about January 13, 2016;
- v. all drugs and medication seized from or purchased by me, including, but not limited to, two bottles of Gleevec provided to a UC on January 8, 2015; eleven boxes of prescription drugs provided to law enforcement on January 20, 2015; thirteen boxes of prescription drugs seized during UPS shipment search warrant on March 24, 2015 in Eagan, MN; thirty-seven boxes of prescription drugs provided to a UC on May 4, 2015; and all drugs and medication obtained from my residence (9000 Vanalden Ave., Unit 154, Northridge, CA) and my business (12061 Strathern Street, North Hollywood, CA) on May 6, 2015;
- w. \$131,205 seized from Wells Fargo Bank account number 8717407913 on or about October 16, 2014;
- x. \$111,387.11 seized from Wells Fargo Bank account number 1784060376 on or about October 16, 2014; and
- y. Any and all Real Property and Improvements located at 213 34th Street, Newport Beach, California, associated with APN 423-351-18.

IT IS FURTHER ORDERED that the disposition of assets forfeited pursuant to this order shall by STAYED pending appeal, should any party appeal this matter to the Ninth Circuit Court of Appeals.

IT IS FURTHER ORDERED that the United States, through its appropriate agency, shall seize the forfeited property and publish for at least thirty days on the government website www.forfeiture.gov a notice of this Order, notice of the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court and serve a copy on government counsel within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;


IT IS FURTHER ORDERED that, the government may conduct discovery, in order to identify, locate, or dispose of property subject to forfeiture, in accordance with Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure;

IT IS FURTHER ORDERED that the Court will retain jurisdiction to enforce the Preliminary Order of Forfeiture, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure

1 32.2(e).

2 IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal
3 Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant at the time of
4 sentencing and shall be made part of the sentence and included in the judgment.

5
6 IT IS SO ORDERED this 17th day of October 2023.

7
8 
9 HON. CHARLES R. BREYER
United States District Judge